

**REMARKS**

This amendment responds to the Office Action dated March 17, 2009, in which the Examiner rejected claims 1-8 under 35 U.S.C. § 103.

As indicated above, claims 1 and 4 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 1 claims an image pick-up apparatus and claim 4 claims an image pick-up method. The apparatus and method include a solid-state image pick-up device, a switching means, control means, storage means and timing generating means. The image pick-up device performs photo-electric conversion in accordance with a received image pick-up light. The switching means switches between a first mode serving as image pick-up mode where charges stored in the solid-state image pick-up device are readout every n frame and a second mode where charges are stored in the image pick-up device are readout every m fields to add odd charges and even charges which are adjacent in a vertical direction of the charges while changing the combination thereof every m fields to output a CCD output signal. The control means controls the switching means in such a manner to switch the image pick-up mode into a first mode in accordance with a request at a low output sensitivity and to switch the image pick-up mode into a second mode in accordance with a request at a high output sensitivity. The timing generating means controls readout of the output CDC output signals as video signals from the image pick-up device and controls storage and output of the storage means. At every frame in the first mode or at every field in the second mode, during non-readout of the image pick-up device, the storage means outputs a same CDC output signal as video signals.

By having a storage means output a same CDC output signal as video signals during non-readout of the image pick-up device, as claimed in claims 1 and 4, the claimed invention

provides an image pick-up apparatus and method in which determination of picture quality by movement or vibration of a moving object is optically adjusted. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 4.

Claims 1-8 were rejected under 35 U.S.C. § 103 as being unpatentable over *Suzuki, et al.* (U.S. Patent No. 6,515,703) in view of *Okino, et al.* (U.S. Patent No. 5,019,911).

*Suzuki, et al.* appears to disclose a digital camera used to take still images (Col. 11, lines 18-19). After closing a mechanical shutter, signals are read out. The output image signals are subjected to signal processing in preprocessing circuit 37. The signals are then stored in buffer memory 46. After writing all data into the buffer memory, the image data is read out from the buffer memory according to a predetermined procedure (Col. 13, lines 21-50).

Thus, *Suzuki, et al.* is merely directed to a digital camera that takes still images. Nothing in *Suzuki, et al.* shows, teaches or suggests outputting video signals as claimed in claims 1 and 4. Rather, *Suzuki, et al.* is merely directed to taking still images.

Furthermore, *Suzuki, et al.* merely discloses timing signal generator 34 for generating a timing signal under which the image sensing device 33 operates and an image sensing device driver 36 for amplifying the timing signal supplied by the timing signal generator 34 to a level needed to drive the image sensing device 33 (Col. 10, lines 59-65).

Thus, *Suzuki, et al.* only discloses a timing signal generator 34 supplying an output to an image sensing device driver 36. Nothing in *Suzuki, et al.* shows, teaches or suggests a timing generating means controlling a storage means as claimed in claims 1 and 4. Rather, the timing signal generator 34 of *Suzuki, et al.* only outputs a signal to an image sensing device driver 36.

*Okino, et al.* appears to disclose a control circuit 10 judges whether or not a light amount is sufficient on a basis of a reference value  $L_0$ . The reference value is set to about 70% of the

correct light amount. For reading the CCD image sensor 5, when the light amount is almost sufficient, the frame image pick-up mode is automatically selected by the control circuit 10. When there is insufficient light, the field image pick-up mode in which the sensitivity becomes two times as high as the frame image pick-up mode is selected (column 4, lines 56-68).

Thus, *Okino, et al.* merely discloses selecting a reading mode based upon the amount of light. Nothing in *Okino, et al.* shows, teaches or suggests during non-readout of the image pick-up device, a storage means outputs a same CCD output signal as video signals at every frame in a first mode or at every field in a second mode as claimed in claims 1 and 4. Rather, *Okino, et al.* only discloses using a light quantity to select the frame or field mode.

A combination of *Suzuki, et al.* and *Okino, et al.* would merely suggest that in addition to the digital camera taking still images in *Suzuki, et al.* to also have a control circuit which changes the frame or field mode based on the amount of received light as taught by *Okino, et al.* Thus, nothing in the combination of the references shows, teaches or suggests (a) outputting video signals, (b) a timing generating means controlling a storage means and (c) during non-readout of an image pick-up device, a storage means outputting a CCD output signal as video signals as claimed in claims 1 and 4. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1 and 4 under 35 U.S.C. § 103.

Claims 2-3 and 5-8 depend from claims 1 and 4 and recite additional features. Applicant respectfully submits that claims 2-3 and 5-8 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Suzuki, et al.* and *Okino, et al.* at least for the reasons as set forth above. Therefore, Applicant respectfully request the Examiner withdraws the rejection to claims 2-3 and 5-8 under 35 U.S.C. § 103.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicant respectfully requests the Examiner enters this amendment for purposes of appeal.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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